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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 United States of America,

10 Plaintiff,

11 v.

12 SERGIO ORDAZ-LOPEZ,
13 aka "Sergio Lopez Oredaz,"
14 aka "Erick Roman Colina-Arriaga,"
15 aka "Erick Roman Colinaarriaga,"
16 aka "Sergio Lopez-Ordez,"
17 aka "Sergio Michael
Ordas," aka "Sergio Ordaz
Lopez," aka "Fernando
Rios Navarro,"

18 Defendant.
19

Case No. 2:22-mj-00992-DJA

**ORDER to Extend Deadlines
to Conduct Preliminary Hearing
and File Indictment
(First Request)**

20
21 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
22 Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States
23 Attorney, counsel for the United States of America, and Benjamin F. J. Nemec,
24 Assistant Federal Public Defender, counsel for Defendant, Sergio Ordaz-Lopez, that
25 the Court schedule the preliminary hearing in this case for no earlier than 90 days from
26 the date of the filing of this stipulation. This request requires that the Court extend two

1 deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained
2 defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an
3 information or indictment be filed within 30 days of a defendant's arrest, *see* 18
4 U.S.C. § 3161(b).

5 This stipulation is entered into for the following reasons:

6 1. The United States Attorney's Office has developed an early
7 disposition program for immigration cases, authorized by the Attorney General
8 pursuant to the PROTECT ACT of 2003, Pub. L. 108-21.

9 2. The early disposition program for immigration cases is designed to:
10 (1) reduce the number of hearings required in order to dispose of a criminal case;
11 (2) avoid having more cases added to the court's trial calendar, while still
12 discharging the government's duty to prosecute federal crimes; (3) reduce the
13 amount of time between complaint and sentencing; and (4) avoid adding significant
14 time to the grand jury calendar to seek indictments in immigration cases, which in
15 turn reduces court costs.

16 3. The government has made a plea offer in this case that requires
17 defendant to waive specific rights and hearings in exchange for "fast-track"
18 downward departure under USSG § 5K3.1. This offer will be withdrawn if it is not
19 timely accepted before this matter is indicted and before a preliminary hearing is
20 held.

21 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must
22 hold the preliminary hearing within a reasonable time, but no later than 14 days
23 after the initial appearance if the defendant is in custody....."
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1 5. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon
2 a showing of good cause—taking into account the public interest in the prompt
3 disposition of criminal cases—a magistrate judge may extend the time limits in
4 Rule 5.1(c) one or more times.....”

5 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
6 information or indictment charging an individual with the commission of an offense
7 shall be filed within thirty days from the date on which such individual was
8 arrested or served with a summons in connection with such charges.”

9 7. Defendant needs additional time to review the discovery and
10 investigate potential defenses to make an informed decision as to how to proceed,
11 including whether to accept the fast-track plea agreement.

12 8. Accordingly, the parties jointly request that the Court schedule the
13 preliminary hearing in this case no sooner than 90 days from today’s date.

14 9. Defendant is in custody and agrees to the extension of the 14-day
15 deadline imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c)
16 or 18 U.S.C. § 3161(b), provided that the information or indictment is filed on or
17 before the date ordered pursuant to this stipulation.

18 10. The parties agree to the extension of that deadline.

19 11. This extension supports the public interest in the prompt disposition
20 of criminal cases by permitting defendant to consider entering into a plea
21 agreement under the United States Attorney’s Office’s fast-track program for §
22 1326 defendants.

23 12. Accordingly, the additional time requested by this stipulation is
24 allowed under Federal Rule of Criminal Procedure 5.1(d).
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26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

SERGIO ORDAZ-LOPEZ,
aka "Sergio Lopez Oredaz,"
aka "Erick Roman Colina-Arriaga,"
aka "Erick Roman Colinaarriaga,"
aka "Sergio Lopez-Ordez,"
aka "Sergio Michael
Ordas," aka "Sergio Ordaz
Lopez," aka "Fernando
Rios Navarro,"

Defendant.

Case No. 2:22-mj-00992-DJA

**Order on Stipulation
to Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on January 17, 2023, at the hour of 4:00 p.m., be vacated and continued to April 17, 2023, at 4:00 p.m., Courtroom 3A.

DATED this ^{11th} day of January, 2023.



HONORABLE DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE